

Adopted	Rejected
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COMMITTEE REPORT

YES:	6
NO:	4

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1081, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 15.
- 3 Page 2, line 16, delete "32-31-8-7" and insert "32-29-7-3.3".
- 4 Page 2, line 18, delete "7." and insert "3.3".
- 5 Page 2, line 20, delete "(1) or" and insert "(1), two (2), three (3), or
- 6 **four (4)**".
- 7 Page 2, line 21, delete "more".
- 8 Page 2, line 21, delete "is" and insert "**are**".
- 9 Page 2, line 21, delete "judgment of".
- 10 Page 2, line 21, after "foreclosure" insert "**complaint**".
- 11 Page 2, delete lines 23 through 42, begin a new paragraph and
- 12 insert:
- 13 "**(c) This section does not apply if a receiver is appointed under**
- 14 **IC 32-30-5.**

(d) Not later than ten (10) days after a foreclosure complaint on real property described in subsection (b) is filed, the plaintiff seeking foreclosure shall provide each tenant with written notice of:

- (1) the rights of tenants under this section; and
- (2) the address and telephone number of the plaintiff seeking foreclosure and the landlord for use in all communications between the tenant and the landlord or the plaintiff seeking foreclosure;

by registered mail, certified mail, or personal delivery.

(e) A tenant may file a petition or request to:

- (1) intervene in a foreclosure action under this section; and
- (2) allow rent payments to be deposited:

(A) with the court; or

(B) in an escrow account;

until the parties agree on or the court determines the proper disposition of the rental payments.

(f) A court that holds rental payments or allows rental payments to be deposited in an escrow account under subsection (e) may allow a portion of rental payments to be used to pay for expenses related to the real property described in subsection (b).

(g) A tenant who does not receive a notice under subsection (d) may not be evicted from the tenant's rental unit until ninety (90) days after the tenant has received the notice described in section 3.6(d) of this chapter, unless the tenant has failed to pay rent or comply with other obligations of the rental contract or agreement.

SECTION 4. IC 32-29-7-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.6. (a) This section applies to rental agreements entered into or renewed after June 30, 2009.

(b) This section applies to real property containing one (1) or more rental units that is the subject of a judgment of foreclosure under IC 32-30-10-5.

(c) This section does not apply if a receiver is appointed under IC 32-30-5.

(d) Not later than ten (10) days after the judgment of foreclosure on real property described in subsection (b) is entered, the plaintiff seeking foreclosure shall provide each tenant with

1 **written notice:**
2 **(1) of the rights of tenants under this section;**
3 **(2) of the address and telephone number of the plaintiff**
4 **seeking foreclosure and the landlord for use in all**
5 **communications between the tenant and the landlord or the**
6 **plaintiff seeking foreclosure; and**
7 **(3) that the plaintiff seeking foreclosure has foreclosed on the**
8 **real property described in subsection (b);**
9 **by registered mail, certified mail, or personal delivery.**
10 **(e) A tenant may not be evicted from the tenant's rental unit**
11 **until sixty (60) days after the tenant has received the notice**
12 **described in subsection (d), unless the tenant has failed to pay rent**
13 **or comply with other obligations of the rental contract or**
14 **agreement.**
15 SECTION 5. IC 32-29-7-3.8 IS ADDED TO THE INDIANA CODE
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2009]: **Sec. 3.8. If a tenant is evicted from the tenant's rental unit**
18 **and did not receive a notice under section 3.3 or 3.6 of this chapter,**
19 **the tenant may:**
20 **(1) bring an action in any court having jurisdiction to enforce**
21 **an obligation of an owner or landlord; and**
22 **(2) recover:**
23 **(A) actual damages;**
24 **(B) reasonable attorney's fees and court costs; and**
25 **(C) reasonable relocation expenses."**
26 Delete page 3.
27 Renumber all SECTIONS consecutively.
 (Reference is to HB 1081 as introduced.)

and when so amended that said bill do pass.

Representative Lawson L